

PARAMJEET KAUR VS JAGDEV SINGH

Present : Mr. P. K. S. Phoolka, Advocate,
for the applicant-appellant.

Mr. L. S. Sidhu, Advocate,
for the non-applicant/respondent.

This order will dispose of an application under Section 24 of the Hindu Marriage Act filed by the applicant/appellant-wife claiming maintenance *pendente lite* at the rate of ₹40,000/- per month for herself and for the minor children.

It is averred in the application that the non-applicant/husband-respondent is owner of 12 acres of land and he had been running an agency of TVS motorcycles which he has recently transferred in the name of his brother-Jaswinder Singh. It is further averred that the non-applicant/husband-respondent is plying a private bus and is also doing the business of sale and purchase of the property.

The aforesaid averments have been denied by the non-applicant/husband-respondent claiming that the non-applicant/husband-respondent has only 1/3rd share in the land and that he was not earning anything.

It is an admitted fact that two minor children born out of the wedlock, who are school going, are being maintained by the applicant-appellant and the entire burden of their education is met by the applicant-appellant. In proceedings under Section 125 Cr.P.C, she has been awarded ₹8500/-per month as maintenance. The details of income of the non-applicant/respondent from the

automobile agency or from the transport business is not established from the Income Tax Returns for the year 2016-17, 2017-18, as the same do not show that a sum of ₹3,00,000/- is being paid as loan for the TVS agency.

We have considered the facts and circumstances of the case. The applicant had been awarded a sum of ₹8500/- per month in proceedings under Section 125 Cr.P.C in the year 2016. It has been informed that huge arrears of maintenance awarded in proceedings under Section 125 Cr.P.C, are due. The non-applicant/respondent-husband is admittedly an able bodied person. He has been running an agency of two-wheeler, besides being owner of a bus. Even if it is presumed that the TVS agency has been transferred to his brother, still it is his family business from which he might be getting income. Since the wife is maintaining two minor children who are school going, we deem it appropriate to award her a sum of ₹12,000/- per month as maintenance *pendente lite* payable from July, 2017. In case, a sum of ₹8500/- is being paid for the said period, it will be adjustable against the amount awarded by this Court. The applicant-appellant will also be entitled to litigation expenses of ₹25,000/-. Any amount paid earlier towards litigation expenses would be deductible from this amount.

The application under Section 24 of the Hindu Marriage Act is allowed in the above terms.

For payment of arrears of maintenance *pendente lite*
and litigation expenses, adjourned to 23.10.2018.

**(M. M. S. BEDI)
JUDGE**

**(ANUPINDER SINGH GREWAL)
JUDGE**

JULY 31, 2018
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